



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,379	09/26/2003	Yong Cheol Park	0465-1035P	6903
2292 7590 01/05/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PHAM, VAN T	
			ART UNIT	PAPER NUMBER
			2627	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/05/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/05/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.		Applicant(s)	
	10/670,379		PARK ET AL.	
	Examiner		Art Unit	
	VAN T. PHAM		2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 8,23,24 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-22,25-44 and 46-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of Species in the reply filed on 10/26/2006 is acknowledged. The traversal is on the ground(s) that all the species together in one application would not place an undue burden on the Examiner. This is not found persuasive because to exam two or more species the examiner does require to search more than one species that would be an undue burden on Examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5, 9-14, 17-18, 21-22, 25-29, 32-33, 36-38, 46-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US 2006/0077827).

Regarding claim 1, Takahashi discloses a method for managing an optical recording medium having at least one defective area in a user data area, said method comprising: recording at least one temporary defect list in a temporary defect management area, wherein the at least one temporary defect list is recorded as defect management information for managing the at least

Regarding claims 17-18 or 32-33, see rejection above of claim 4-5, respectively.

Regarding claims 21-22 or 36-37, see rejection above of claims 11-12, respectively.

Regarding claims 25, 47, 49, 51 see rejection above of claim 13.

Regarding claims 46 see rejection above of claim 9.

Regarding claim 27, Takahashi discloses the recording medium according to claim 26, wherein the first area for defect management and the second area for defect management are recorded together in the same recording unit (see Fig. 12).

Regarding claims 28-29, Takahashi discloses the recording medium according to claim 26, wherein the first defect management area is a temporary defect list and the second defect management area is a temporary disc definition structure (see Fig. 5 and [0076]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 6-7, 15-16, 19-20, 30-31, 34-35, 39-44 are rejected under 35 U.S.C. 103(a) as being obvious over Takahashi (US 2006/0077827) in view of the Martens (US 2005/0083830).

Regarding claims 2-3 and 6-7, Takahashi discloses the recording medium as claimed in claim 1.

Martens discloses an optical recording medium is a write-once blu-ray disc (BD-WO) (see Fig. 11 and [0122]) and single or dual layers (see [0015], [0018]).

one defective area (see Figs. 5, 12-14); and recording position information as at least one temporary defect list pointer, wherein said temporary defect list pointer indicates at least a position of the most recent temporary defect list in the temporary defect management area and the temporary defect list (see Figs. 16-19 and [108]-[0111]).

Regarding claims 4-5, see Figs. 3-6, discloses the method according to claim 1, wherein a recording size of the temporary defect list is at least one cluster or it ranges from one cluster to eight clusters.

Regarding claim 9, see Figs. 3-6, discloses the method according to claim 1, wherein the temporary defect list pointer contains a single physical sector number for each cluster in which the temporary defect list is recorded.

Regarding claim 10, see Figs. 3-6, discloses the method according to claim 1, wherein the temporary defect list has a recording size of at least one cluster, and the temporary defect list further includes information that indicates the number of clusters currently used.

Regarding claim 11, Takahashi discloses the method according to claim 1, wherein the temporary defect list includes a header for identifying the corresponding temporary defect list (see Fig. 2).

Regarding claim 12, discloses the method according to claim 11, wherein a single header is provided irrespective of the size of the temporary defect list (see Fig. 2).

Regarding claim 13, discloses the method according to claim 1, further comprising: recording the most recent temporary defect list cumulatively with a previous temporary defect list in the temporary defect management area (see Figs. 18-19).

Regarding claims 14, 26, 38, 48, and 50 see rejection above of claim 1.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an optical recording medium is a write-once blu-ray disc Takahashi, as suggested by Martens, the motivation being in order have a high-density recording by using a short-wavelength (see Martens [0027]).

Regarding claims 15-16, 19-20 or 30-31, 34-35 or 39-40, 43-44, see rejection above of claims 2-3, 6-7, respectively.

Regarding claims 41-42, see Takahashi Figs. 3-6, discloses the method according to claim 1, wherein a recording size of the temporary defect list is at least one cluster or it ranges from one cluster to eight clusters.

Cited References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to spare are with a predetermined capacity for a detective sector allocated in each zone, recording apparatus, and recording method; Information recording medium, recording apparatus, reproduction apparatus, recording method, reproduction method and defect management method.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Friday from 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER